

REMARKS

Claims 90-105 and 112-116 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's prior issued U.S. Patent No. 6,232,626 ("Rhodes '626 patent"). The rejection is respectfully traversed and reconsideration is requested.

At the outset, Applicant notes that the present application is a divisional of U.S. Patent Application No.: 09/650,432, filed on August 28, 2000, which issued as U.S. Patent No.: 6,611,037 on August 26, 2003. Thus, the present application has an effective filing date of August 28, 2000. Under this circumstance, Applicant respectfully submits that the Rhodes '626 patent is not a proper reference against this application, and that the rejection under 35 U.S.C. § 103(a) should be withdrawn.

For example, the Rhodes '626 patent does not qualify as prior art under § 102(a) since the issue date of the patent occurred after the effective filing date of the present application which is August 28, 2000 and was also not "known or used by others." The Rhodes '626 patent does not qualify as prior art under § 102(b) as it was not patented before the effective filing date of the present application. Further, § 102(e) does not apply because the inventive entity of the Rhodes '626 patent is the same as that of the present application. Still further, §§ 102(c), 102(d), 102(f), and 102(g) clearly do not apply.

Application No.: 10/054,847

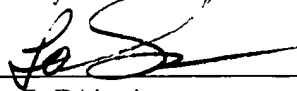
Docket No.: M4065.0295/P295-A

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to issue a Notice of Allowance.

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Respectfully submitted,

By



Thomas J. D'Amico

Registration No.: 28,371

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorney for Applicant